

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

OCT - 7 2015

UNITED STATES OF AMERICA)

v.)

CLERK

S.D. DIST. CT.)

CASE NO. 4:10-cr-00091-1

Gerald Bernard Datts,)

Defendant.)

O R D E R

On January 21, 2011, Defendant was sentenced by this Court to a 120-month custodial term for the offense of possession of a firearm by a convicted felon. Thereafter, Defendant's 28 U.S.C. § 2255 petition was granted, his sentence was vacated, and an identical sentence was re-imposed on November 30, 2012.

On January 26, 2015, Defendant filed a motion seeking a sentence reduction under 18 U.S.C. § 3582(c)(2) pursuant to Amendment 782 to the United States Sentencing Guidelines.


Amendment 782, effective November 1, 2014, revised the guidelines applicable to drug trafficking offenses by changing how the base offense levels in the Drug Quantity Table in § 2D1.1 incorporate the statutory mandatory minimum penalties for such offenses. Defendant was not convicted of a drug offense, nor was the § 2D1.1 guideline in any manner incorporated within his guideline calculations. Defendant's guideline calculations do contain an enhancement for possessing a firearm in connection with the felony offense of possession of cocaine; however, such enhancement does not involve the use of the § 2D1.1 guideline.

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Order on Motion

As such, pursuant to U.S.S.G. § 1B1.10, Amendment 782 is not applicable to Defendant, and a reduction in Defendant's term of imprisonment is not authorized under 18 U.S.C. § 3582(c)(2).

Based on the foregoing, Defendant's Motion for Sentence Reduction pursuant to 18 U.S.C. § 3582(c)(2) is **DENIED**.

SO ORDERED this 7th day of OCTOBER 2015.



WILLIAM T. MOORE, JR.
JUDGE, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA